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8 Attorneys for Nominal Defendant  
BROCADE COMMUNICATIONS SYSTEMS,  
INC.  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 IN RE BROCADE COMMUNICATIONS )  
SYSTEMS, INC. DERIVATIVE LITIGATION, )

Lead Civil Action No. C05-02233 CRB

14 )  
15 )

STIPULATION AND ~~[PROPOSED]~~  
ORDER

16 This Document Relates to: )

17 ALL ACTIONS )  
18 )  
19 )  
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Date: December 2, 2005

Time: 10:00 a.m.

Before: Hon. Charles R. Breyer

1 WHEREAS, the parties are currently discussing whether ADR is appropriate at this stage  
2 of the litigation;

3 WHEREAS, the parties desire additional time for these discussions;

4 IT IS HEREBY STIPULATED AND AGREED by and between undersigned counsel  
5 that, subject to the approval of this Court:

6 The deadline for serving and filing ADR certifications and filing either a joint ADR  
7 certification with stipulation to an ADR process or a notice of need for an ADR telephone  
8 conference shall be extended to November 7, 2005.

9 Dated: October 28, 2005

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

11 By: /s/ David A. McCarthy  
12 David A. McCarthy

13 Attorneys for Nominal Defendant  
14 Brocade Communications Systems, Inc.

15 Dated: October 28, 2005

PROSKAUER ROSE LLP

17 By: /s/ Jack DiCanio  
18 Jack DiCanio

19 Attorneys for Defendant  
Gregory L. Reyes

20 Dated: October 28, 2005

FEDERMAN & SHERWOOD

22 By: /s/ William B. Federman  
23 William B. Federman

24 Attorneys for Plaintiffs

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, David A. McCarthy, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28 day of October 2005 at Palo Alto, California.

/s/ David A. McCarthy  
David A. McCarthy

~~[PROPOSED]~~ ORDER

IT IS SO ORDERED.

This 31st day of October, 2005.

